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VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**RE: Abenson v. ACB
12 CV 5430 (BMC)**

Dear Judge Cogan:

I represent the plaintiff in the above matter. This letter is written as the parties' joint letter in preparation for the parties' initial conference scheduled for January 22, 2013.

Plaintiff's position

This matter was filed pursuant to the Fair Debt Collection Practices Act. Plaintiff has alleged that the messages that the defendant left for the plaintiff failed to indicate that the message was from a debt collector in violation of 15 U.S.C. §§ 1692e(5) and 1692e(10). This issue has already been addressed in *Foti v. NCO* decided by Judge Karas in the Southern District of New York. I have addressed this issue before Your Honor on my occasions concerning different plaintiffs and different defendants.

Defendant's position

Defendant continues to investigate the Plaintiff's claims in this matter, including the content of any messages left for Plaintiff. Based upon information presently available, Defendant denies that it violated the Fair Debt Collection Practices Act or any law and further denies that a putative class exists. Defendant also asserts the affirmative defense of bona fide error.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

/s/

Sergio Alves